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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,313	01/05/2005	Franciscus Lucas Antonius Johannés Kamperman	NL 020602	2571
24737	7590	01/23/2007	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			CHAI, LONGBIT	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2131	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/520,313	KAMPERMAN ET AL.
	Examiner Longbit Chai	Art Unit 2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 10 March 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 January 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/10/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Priority***

1. Applicant's claim for benefit of foreign priority under 35 U.S.C. 119 (a) – (d) is acknowledged.

The application is filed on 1/5/2005 but has a foreign priority application filed on 7/11/2002.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: "by selecting on of the items" should be "by selecting one of the items". Appropriate correction is required.
3. Claims 2 – 5 are objected to because of the following informalities: "An apparatus" should be "The apparatus". Appropriate corrections are required.

### ***Double Patenting***

The nonstatutory provisional double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438,

164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163

USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 – 3 are rejected under the judicially created doctrine of obviousness-type provisional double patenting as being unpatentable over claims 1 and 8 of copending application 10/517,479. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1 – 3 of the instant application are envisioned by the claims of the copending application that contain all the limitations of claims of the instant application because the claim limitation of “storing items of decryption information” as presented in copending application 10/517,479 is equivalent to that of “storing at least two items of the entitlement information” as recited in the instant application as such claims of the instant application are not patentably distinct from the earlier copending application claim and as such are unpatentable for obvious-type provisional double patenting.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsuria et al. (U.S. Patent 6,178,242).

As per claim 1 and 7, Tsuria teaches an apparatus for decoding a stream of data, comprising:

a decoder for decrypting data from the stream, using a control word (Tsuria: Column 9 Line 49 – 56); and  
a secure device (Tsuria: Figure 1 / Element 120: a smart card) coupled to the decoder, for providing the control word, the secure device including a memory unit for storing at least two items of entitlement information (Tsuria: Column 8 Line 44 – Column 5 Line 14: both of the ECM key and TECM key can be stored on the smart card); and

an execution unit arranged to respond to an input message, by selecting an item from the at least two items based on a content of the input message, the execution unit enabling the control word to be sent to the decoder after decrypting the control word with a decryption key associated with the selected

item (Tsuria: Column 9 Line 31 – 36 and Column 8 Line 44 – Column 5 Line 14: the smart card can produce the control word by using the stored ECM key or TECM key to decrypt the encrypted control word respectively depending on the data stream either from the broadcasting channel (i.e. live data stream) or from the playback device (i.e. stored data stream)).

As per claim 2, Tsuria teaches a detector, coupled to the secure device, for determining a source of the stream of data, and for controlling information in the input message that specifies the source (Tsuria: Column 9 Line 31 – 36 and Column 8 Line 44 – Column 5 Line 14: the smart card can produce the control word by using the stored ECM key or TECM key to decrypt the encrypted control word respectively depending on the data stream either from the broadcasting channel (i.e. live data stream) or from the playback device (i.e. stored data stream)).

As per claim 6, Tsuria teaches the secure device includes an additional memory unit for storing acceptance information (Tsuria : Column 8 Line 59 – Column 9 Line 14: e.g., PIN), the execution unit being arranged to execute first commands for updating the items of entitlement information (Tsuria : Column 8 Line 59 – 60: the TECM key must be updated to tie with a particular person), and second commands for updating the acceptance information, the execution unit carrying out updates of the items in response to the first commands only if the first commands contain validation information that matches the acceptance

information stored in the additional memory unit (Tsuria : Column 8 Line 59 – Column 9 Line 14: the input PIN must be validated first prior to access any information from the smart card such as ECM key or TECM key).

5. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by Unger et al. (U.S. Patent 2003/0026423).

As per claim 5, Unger teaches a method of storing a stream of data, the method comprising:

**extracting data for a selected part of the stream and storing the data for the selected part but not a remainder of the stream** (Unger: Para [0089] Line 5 – 8 and Para [0065]: looking for a particular packet PID corresponding to a partially encrypted stream to buffer the data), **together with a selection information table that describes the selection made from the stream** (Unger: Para [0108] Line 1 – 3, Table 1, Para [0057], Para [0058] Line 5 – 10 and Para [0060] Line 7 – 10: (a) based on the primary PID and CA descriptor in PMT PSI (Program System Information) to determine the stream is partially scrambled (b) the collection of PIDs (Packet ID) transmitted as part of System Information (SI) in the data streams is virtually forming a “system information table”, where the PIDs describe which program and which encryption key (e.g. system A encryption of system B encryption) are used in order to decrypt the particular packet corresponding to a partially encrypted portion of the stream).

**the selection information table containing information necessary for accessing encrypted control word information for use in decrypting the selected part of the stream** (Unger: Para [0109]: (a) the PIDs describe which program and which encryption key (e.g. system A encryption of system B encryption) are used – see above, and (b) the ECM data includes the encrypted control word for decrypting the partially encrypted stream).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuria et al. (U.S. Patent 6,178,242), in view of Unger et al. (U.S. Patent 2003/0026423).

As per claim 3, Tsuria does not disclose expressly a detector arranged to detect whether the stream is a partial stream selected from a larger stream, the detector controlling the content of the input message based on whether the stream is detected to be a partial stream or not respectively, wherein the execution unit selects a first item and a second item selected from the at least

two items based on whether the stream is detected to be the partial stream or not respectively.

Unger teaches a detector arranged to detect whether the stream is a partial stream selected from a larger stream, the detector controlling the content of the messages dependent on whether the stream is detected to be a partial stream or not respectively, the execution unit selecting a first one of the items and a second one of the items dependent on whether the stream is detected to be a partial stream or not respectively (Unger: Para [0058] Line 5 – 10 and Para [0060] Line 7 – 10, Para [0072] Line 7 – 17 and Para [0060] Line 7 – 10: when M = N, the data stream is fully encrypted and based on the primary PID and CA descriptor in PMT PSI (Program System Information) to determine the stream is partially scrambled or not so that the data stream can be decrypted accordingly).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Unger within the system of Tsuria because Unger teaches an effective partial scrambling technique to improve the bandwidth requirement of transmission (Unger: Para [0035]).

As per claim 4, Tsuria as modified teaches **the detector is arranged to detect whether the stream is the partial stream dependent on the presence of a section in the stream that contains a table that describes the selection of the partial stream** (Unger: Para [0108] Line 1 – 3, Table 1, Para [0057], Para [0058] Line 5 – 10 and Para [0060] Line 7 – 10: (a) based on the primary PID and CA descriptor in PMT PSI (Program System Information) to determine the stream

is partially scrambled (b) the collection of PIDs (Packet ID) transmitted as part of System Information (SI) in the data streams is forming a "system information table", where the PIDs describe which program and which encryption key (e.g. system A encryption of system B encryption) are used in order to decrypt the particular packet corresponding to a partially encrypted portion of the stream), **the detector supplying encrypted control word information retrieved from said table to the secure device for use in supplying the control word to the decoder in case of the partial stream** (Unger: Para [0109]: (a) the PIDs describe which program and which encryption key (e.g. system A encryption of system B encryption) are used – see above, and (b) the ECM data includes the encrypted control word for decrypting the partially encrypted stream), **the detector supplying the encrypted control word information retrieved from a dedicated conditional access table from the stream in case of a complete stream** (Unger: Para [0072] Line 7 – 17 and Para [0060] Line 7 – 10: when M = N, the data stream is fully encrypted and based on the primary PID and CA descriptor in PMT PSI (Program System Information) to determine the stream is partially scrambled or not so that the data stream can be decrypted accordingly).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788. The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
LBC

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